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REMARKS

Claims 1, 2, 4 and 5 were pending before entry of this amendment. Claims 2 and 5 have been canceled. Claims 1 and 4 are pending after entry of this amendment.

Claims 1, 2, 4 and 5 were rejected under 35 USC 112, first paragraph, because, according to the Office Action, the claims do not reasonably provide enablement for the method of diagnosing breast cancer comprising measuring in any sample from a patient *including circulating epithelial cells* and comparing the measurement obtained to a measurement in a reference sample. Applicants respectfully request reconsideration of the rejection based upon the substance of the amendment(s). Applicants have amended the claims to delete that the method can be drawn to one involving circulating epithelial cells. Reconsideration and withdrawal of the rejections are respectfully requested based upon the amendments.

Claims 1, 2, 4 and 5 were rejected under the nonstatutory obviousness-type double patenting doctrine over Application No. 10/813,412. Applicants respectfully request that the Examiner hold this rejection in abeyance until allowable subject matter has been found.

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CONCLUSION

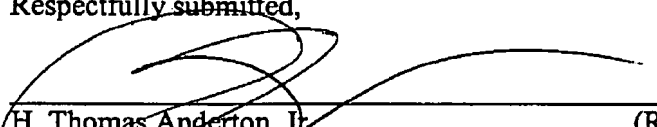
Applicants believe that the claims of the instant application meet all of the conditions for patentability and are in condition for allowance. Accordingly, an early indication of the same is respectfully requested.

No fees are believed to be due with this response. However, pursuant to 37 C.F.R. §1.136 (a)(3), the Commissioner is authorized to charge all required fees, or credit any overpayment, to 502266.

Respectfully submitted,

Date: September 10, 2007

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